

Message Text

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FOR CLAPPIN PASS USDEL

E.O. 11652: N/A

TAGS: PORG, IMCO

SUBJ: IMCO FIFTH EXTRAORDINARY ASSEMBLY - INSTRUCTIONS

1. AMENDMENT PROPOSALS. THE 5TH EXTRAORDINARY ASSEMBLY WILL HAVE BEFORE IT, CIRCULATED UNDER THE 6 MONTHS RULE FOR AMENDMENTS 8TH IMCO CONVENTION:

A. RECOMMENDATIONS PROPOSED BY AN AD HOC WORKING GROUP OF THE ASSEMBLY TO (A) EXPAND CATEGORY "C" OF COUNCIL MEMBERSHIP FROM 6 TO 12, (B) TO MAKE THE MARITIME SAFETY COMMITTEE (MSC) OPEN-ENDED, AND (C) TO ADOPT THE CONSEQUENTIAL AMENDMENTS TO THE CONVENTION SET OUT IN DOCUMENT WGA 1/3;

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B. MORE EXTENSIVE AMENDMENTS TO THE CONVENTION PROPOSED BY FRANCE, WHICH WOULD (A) INCORPORATE THE FOREGOING, (B) PROVIDE CONSTITUTIONALLY FOR THE ESTABLISHMENT OF THE LEGAL COMMITTEE AND THE MARINE ENVIRONMENT PROTECTION COMMITTEE (MEPC) UNDER THE CONVENTION (BUT NOT OTHER EXISTING SUBSIDIARY BODIES); (C) ADJUST THE RELATIONSHIPS OF THE COUNCIL WITH THE MSC, LEGAL COMMITTEE AND MEPC (IN WAYS WHICH COULD AFFECT THE ROLES ASCRIBED TO THEM, AND (D) ELIMINATE THE COUNCIL-MAJORITY REQUIREMENT IN THE PROVISIONS FOR CONVENTION AMENDMENTS; AND

C. POSSIBLY AMENDMENTS TO EITHER OF THE FOREGOING WHICH MAY BE OFFERED FROM THE FLOOR.

2. U.S. POSITION.

A. THE DELEGATION SHOULD SUPPORT -- AND IF TACTICALLY USEFUL TO DO SO MAY PLAY AN ACTIVE ROLE IN SUPPORTING -- THE AMENDMENTS RECOMMENDED BY THE AD HOC WORKING GROUP.

B. THE DELEGATION SHOULD TAKE THE POSITION, WHEN AND AS IT IS PRODUCTIVE TO DO SO, THAT THE U.S. DOES NOT REGARD THE THREE-DAY PERIOD PROVIDED FOR THE 5TH EXTRAORDINARY ASSEMBLY AS ADEQUATE FOR REACHING AGREEMENT ON THE MORE EXTENSIVE AMENDMENTS PROPOSED BY FRANCE. WHILE A PRELIMINARY REVIEW OF THEM BY THE ASSEMBLY MIGHT BE APPROPRIATE, THE DELEGATION MAY SUPPORT PROPOSALS FOR DISASSOCIATING THE FRENCH PROPOSALS FROM THOSE RECOMMENDED BY THE AD HOC WORKING GROUP, AND MAY SUPPORT PROPOSALS FOR DEFERRING THEM TO SUBSEQUENT STUDY.

C. THE DELEGATION MAY NOT ACCEPT THE AMENDMENTS PROPOSED BY FRANCE AS PRESENTED AND, IF THERE IS SUPPORT IN THE ASSEMBLY FOR WORKING TOWARD THEIR ADOPTION, THE DELEGATION SHOULD STRIVE FOR THE REVISIONS SET FORTH IN THE ANNEX ATTACHED, MAKE A FUNDAMENTAL ISSUE OF THOSE PRECEDED BY ONE ASTERISK, AND REQUIRE AS A CONDITION OF U.S. ACCEPTANCE THOSE REVISIONS PRECEDED BY TWO ASTERISKS OR EQUIVALENT MODIFICATIONS IN THE PROPOSED AMENDMENTS.

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D. THE DELEGATION SHOULD BE GUIDED BY THE FOREGOING IN CONSIDERING ANY AMENDMENTS WHICH MAY BE OFFERED FROM THE FLOOR TO EITHER THE AMENDMENTS PROPOSED BY THE AD HOC WORKING GROUP TO THOSE PROPOSED BY FRANCE.

3. ANNEX.

(NOTE: ARTICLES NUMBERED ACCORDING TO TEXT FOUND IN NOTE

VERBALE A1/E/1-12 (NV-2) CIRCULATED 11 APRIL 1973).

A. ARTICLE 1

... COOPERATION AMONG (BETWEEN GOVERNMENTS.

B. ARTICLE 16

SECOND PARA OF 16I SHOULD BE DELETED (WHICH WE UNDER-
STAND WILL BE ACCOMPLISHED BY CORREGENDUM).

C. ARTICLE 18

EXPRESS PREFERENCE FOR ORIGINAL CONVENTION LANGUAGE
OF "...SHALL BE GOVERNMENTS OF STATES...", RATHER
THAN FRENCH VERSION OF "...CHOSEN FROM AMONG STATES
..." (IN 18A AND C) OR "...FROM AMONG OTHER STATES
..." (IN 18B), UNLESS PERSUASIVE REASONS ARE ADVANCED
FOR THE FRENCH VERSION.

D. ARTICLE 22(A)

SUBSTITUTE THE FOLLOWING FORMULATION FOR THIS SUB-
PARA, WHICH WE UNDERSTAND THE UK MAY BE PREPARED
TO OFFER:

"THE COUNCIL, UPON PROPOSALS BY THE MARITIME SAFETY
COMMITTEE, THE LEGAL COMMITTEE AND THE MARINE ENVIRON-
MENT PROTECTION COMMITTEE, SHALL CONSIDER ANNUALLY
THE WORK PROGRAMMES OF THESE ORGANS HAVING REGARD TO
THE INTEREST OF SUCH PROGRAMMES TO THE ORGANISATION
AND ITS FINANCIAL RESOURCES. THE COUNCIL SHALL
APPROVE SUCH PROGRAMMES OR REFER THEM FOR RECONSID-
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ERATION OF THE PRIORITIES TO BE GIVEN FOR THE CONSID-
ERATION OF ANY MATTER."

E. ARTICLE 24

URGE INSTEAD RETENTION OF EXISTING ARTICLES 24 AND
25 OF THE CONVENTION (WHICH MEET THE POINTS IN THE
PREAMBLE AND 24(A) OF THE FRENCH VERSION), AND
DELETION OF THE SUB-PARAS 24 (B-D) FRANCE PROPOSES.

RE SUB-PARAS 24(B-D), THE DELEGATION SHOULD REJECT
THE CONCEPT OF PROPOSALS BY MEMBERS ALONE, RATHER
THAN COMMITTEES, BEING SUBMITTED BY THE COUNCIL.

RE SUB-PARA 24(C), THE DELEGATION SHOULD PREVENT

ANY PROVISION WHICH RESERVES TO THE LEGAL COMMITTEE
THE POWER TO INITIATE INTERNATIONAL CONVENTIONS OR
AMENDMENTS TO THEM.

F. ARTICLE 25

THE FRENCH VERSION IS CLUMSY AS DRAFTED. IF ITS
SUBSTANCE IS TO BE SET OUT AS A SEPARATE ARTICLE
IT SHOULD BE EXPANDED TO TAKE ACCOUNT OF THE ROLES
OF GEPC AND THE LEGAL COMMITTEE, WHILE PROVIDING MORE
OF A COORDINATING RESPONSIBILITY FOR THE COUNCIL. THE

DELEGATION SHOULD OFFER OR SUPPORT THE FOLLOWING
ALTERNATIVE FORMULATION (WHICH WE UNDERSTAND THE
UK MAY BE PREPARED TO INTRODUCE):

G. ARTICLE 25

HAVING REGARD TO THE PROVISIONS OF PART XIV AND TO THE
RELATIONS ESTABLISHED WITH OTHER INTERGOVERNMENTAL
BODIES UNDER ARTICLES 29, 34 AND 39 BY THE MARITIME
SAFETY COMMITTEE, THE LEGAL COMMITTEE AND THE MARINE
ENVIRONMENT PROTECTION COMMITTEE, RESPECTIVELY, THE
COUNCIL SHALL HAVE THE DUTY OF MONITORING SUCH RELA-
TIONSHPIS AND SETTING GUIDELINES FOR THEM AS MAY FROM
TIME TO TIME APPEAR NECESSARY.
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H. ARTICLE 29

THE FRENCH REVISION OF ARTICLE 29 WOULD CURTAIL TOO
SEVERELY THE INVITATION OF MSC. THE DELEGATION SHOULD
PROPOSE THE FOLLOWING PRACTICAL ALTERNATIVE:

"(A) THE MARITIME SAFETY COMMITTEE SHALL HAVE THE
DUTY OF CONSIDERING ANY MATTER WITHIN THE SCOPE OF
THE ORGANIZATION ON THE REQUEST OF THE COUNCIL OR ON
ITS OWN INITIATIVE CONCERNED WITH AIDS TO NAVIGATION,
CONSTRUCTION AND EQUIPMENT OF VESSELS, MANNING FROM
A SAFETY STANDPOINT, RULES FOR THE PREVENTION OF
COLLISIONS, HANDLING OF DANGEROUS CARGOES, MARITIME
SAFETY PROCEDURES AND REQUIREMENTS, HYDROGRAPHIC
INFORMATION, LOG-BOOKS AND NAVIGATIONAL RECORDS, MARINE
CASUALTY INVESTIGATION, SALVAGE AND RESCUE, AND ANY
OTHER MATTERS DIRECTLY AFFECTING MARITIME SAFETY."

(B) THE MARITIME SAFETY COMMITTEE SHALL PROVIDE
MACHINERY FOR PERFORMING ANY DUTIES ASSIGNED TO IT
BY THE CONVENTION, OR BY THE ASSEMBLY, OR BY THE COUN-

CIL, OR ANY DUTY WITHIN THE SCOPE OF THIS ARTICLE
WHICH MAY BE ASSIGNED TO IT BY ANY OTHER INTERGOVERN-
MENTAL INSTRUMENT."

FOR 29(C) THE DELEGATION MAY ACCEPT THE FRENCH RE-
VISION OF THIS SUB-PARA.

I. ARTICLE 30

INSERT IN 30(A) LINE 2:

"...REGULATIONS, AND DRAFTS OF INTERNATIONAL CONVEN-
TIONS AND OF AMENDMENTS TO INTERNATIONAL CONVENTIONS,

WHICH ..."

J. ARTICLE 30

INSERT AT THE BEGINNING OF THE PREAMBULAR SENTENCE
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"SUBJECT TO THE PROVISIONS OF ARTICLE 32 ..."

K. ARTICLE 30

DELETE FROM LINE 2-3 PHRASE:

"... UPON REQUEST BY COUNCIL".

L. ARTICLE 34

THE DELEGATION MAY SUPPORT A PROPOSAL (WHICH WE UNDER-
STAND THE UK MAY INTRODUCE) TO PROVIDE A SUB-PARA 34(C)
FOR THE LEGAL COMMITTEE TO "MAINTAIN CLOSE RELATION-
SHIP WITH OTHER INTERGOVERNMENTAL BODIES."

M. ARTICLE 35

INSERT AT THE BEGINNING OF THE PREAMBULAR SENTENCE:
"SUBJECT TO THE PROVISION OF ARTICLE 37 ..."

N. ARTICLE 39

ADJUST PREAMBULAR SENTENCE TO CONFORM WITH MEPC MAN-
DATE UNDER ASSEMBLY RESOLUTION 297.

O. ARTICLE 39

THE DELEGATION MAY SUPPORT AN ADDITIONAL SUB-PARA 39(F)
WHICH WE UNDERSTAND THE UK WILL PROPOSE, TO PROVIDE

FOR MEPC TO "MAINTAIN CLOSE RELATIONSHIP WITH OTHER
INTERGOVERNMENTAL BODIES ..."

P. ARTICLE 40

INSERT IN 40(A) LINE 3:

"... REGULATIONS, AND DRAFT INTERNATIONAL CONVENTIONS
OR AMENDMENTS TO CONVENTIONS, ...";

AND DELETE PHRASE LINE 4:

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... UPON REQUEST BY COUNCIL".

INSERT AT THE BEGINNING OF THE PREAMBULAR SENTENCE:

"SUBJECT TO THE PROVISIONS OF ARTICLE 43 ..."

Q. ARTICLE 41

DELETE PHRASE:

".. AND SHALL ADOPT ITS OWN RULES OF PROCEDURE".

R. ARTICLE 42

INSERT "QUORUM" INTO LIST OF RULES WHICH MEPC MAY
DEVELOP.

S. ARTICLE 49

RETURN TO ORIGINAL CONVENTION LANGUAGE:

"... SUCH OTHER TASKS AS ..."

T. ARTICLE 63

WHILE DELEGATION MAY ACCEPT THE FRENCH REVISION OF
THE PROVISIONS OF PRESENT ARTICLE 52, THE BALANCE OF
THE PRESENT ARTICLE 52 (BEGINNING WITH PHRASE:
"TWELVE MONTHS AFTER ...) MUST BE RETAINED. (THIS
APPEARS TO BE AN OVERSIGHT IN THE FRENCH PROPOSAL.)

4. FURTHER GUIDANCE ON SEVERAL OTHER ARTICLES OF FRENCH
PROPOSAL WILL BE FORTHCOMING. INGERSOLL

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